

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARE CONTINUUM, INC.,

Plaintiff,

vs.

Case No. 09-CV-10573
HON. GEORGE CARAM STEEH

THE GRAND COURT OF FARMINGTON HILLS,
BROOKDALE LIVING COMMUNITIES - GC, LLC, et al.,

Defendants.

ORDER RECOGNIZING PLAINTIFF'S WITHDRAWAL OF
EMERGENCY MOTION FOR INJUNCTIVE RELIEF (# 3), AND
DISMISSING FEBRUARY 20, 2009 ORDER TO SHOW CAUSE (# 5)

For the reasons stated on the record on February 23, 2009, following a conference in chambers, plaintiff Care Continuum, Inc.'s February 19, 2009, Emergency Motion for Preliminary Injunction and/or Temporary Restraining Order is hereby recognized by the court as WITHDRAWN.

Further, the court's February 20, 2009 Order requiring defendants The Grand Court of Farmington Hills, Brookdale Living Communities - GC, LLC ("GCFH, LLC") and Brookdale Living Communities of Michigan, Inc. to show cause why this lawsuit should not be remanded to state court for lack of federal diversity jurisdiction under 28 U.S.C. § 1332 in the absence of allegations sufficient to support complete diversity, that is, the citizenship of the members of defendant limited liability company GCFH, LLC, is hereby DISMISSED on the defendants' showing that the three members of GCFH, LLC are residents of Wisconsin, Tennessee, and Illinois. See February 20, 2009, Second Affidavit of Timothy Cesar (# 6). Delphi Automotive Systems, LLC v. Segway, Inc., 519 F.Supp.2d 662, 665

(E.D. Mich. 2007) (recognizing that the citizenship of a limited liability company is the citizenship of its members for purposes of diversity jurisdiction under § 1332). Plaintiff Care Continuum, Inc. is allegedly a Michigan corporation with its principal place of business in Michigan.

SO ORDERED.

Dated: February 23, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 23, 2009, by electronic and/or ordinary mail.

s/Marcia Beachemin
Deputy Clerk